

IN THE IOWA DISTRICT COURT FOR BUTLER COUNTY

STATE OF IOWA
Plaintiff,

Criminal No. FECR008809

vs.

MARK DARYL BECKER,
Defendant,

MOTION FOR NEW TRIAL

COMES NOW MARK DARYL BECKER, by and through his court appointed counsel, and in support of his motion as styled above, respectfully states:

1. Defendant was convicted of the crime "Murder in the First Degree" a class "A" felony by jury verdict returned March 2, 2010.
2. Grounds exist for the granting of a new trial in this case for the following reasons:
 - a. The court erred and misdirected the jury by not giving the Defendant's requested jury instructions

Instruction No. ____

Punishment not for Jury. The duty of the jury is to determine if the defendant is guilty or not guilty.

In the event of a guilty verdict, you have nothing to do with punishment.

If you find a verdict of not guilty by reason of insanity, the defendant shall be immediately ordered committed to a state mental health institute or other appropriate facility for a complete psychiatric evaluation.

Instruction No. ____

If the State has proved all of the elements of a crime, you should then determine if the defendant has proved he was insane.

In order for the defendant to establish he was insane, he must prove by a preponderance of the evidence either of the following:

1. At the time the crime was committed, the defendant suffered from such a deranged condition of the mind as to render him incapable of knowing the nature and quality of the acts he is accused of; or
2. At the time the crime was committed, the defendant suffered from such a deranged condition of the mind as to render him incapable of distinguishing between right and wrong in relation to the act.

Insanity need not exist for any specific length of time before or after the commission of the act.

If the defendant has proved either of these elements by a preponderance

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of the evidence as explained in Instruction No. _____, then the defendant is not guilty by reason of insanity.

If the defendant has failed to prove either of the elements by a preponderance of the evidence, then the defendant is guilty.

b. The verdict is contrary to the law as defendant met his burden of proof regarding insanity so defendant should have been found not guilty by reason of insanity.

c. The verdict is contrary to the evidence as defendant proved his insanity at the time of the incident by a preponderance of the evidence and should have been found not guilty by reason of insanity.

Respectfully submitted,

OFFICE OF THE PUBLIC DEFENDER
Mason City Division



Susan R. Flander, AT0002618
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Attorneys for Defendant

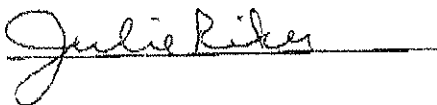
Copy to:

Scott Brown / Andrew Prosser
Hoover State Office Building
Des Moines IA 50319

Honorable Stephen Carroll
Franklin County Courthouse
Hampton IA 50441

PROOF OF SERVICE

The undersigned certifies the foregoing instrument was served on all parties to the above cause to each of the attorneys of record at their respective addresses disclosed on the pleading by facsimile on April 4, 2009.



IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

STATE OF IOWA,
Plaintiff,

Criminal No. FECR008809

vs.


MARK DARYL BECKER,
Defendant.CERTIFICATION REGARDING
ATTORNEY FEES

COMES NOW the undersigned and certifies that 238 hours of attorney time have been spent by counsel in this cause.

The following expenses were incurred and paid in the above-captioned case:

_____ Court reporter transcript fees	\$ _____
_____ Interpreter fees	\$ _____
_____ Expert fees	\$ 53,709.82
_____ Sheriff's service fees	\$ _____
_____ Deposition costs	\$ _____
_____ Other	\$ 824.80

Respectfully submitted,

OFFICE OF THE PUBLIC DEFENDER
MASON CITY DIVISION

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ATTORNEY FOR DEFENDANT

Original filed.

Copy to: County Attorney

Note to Clerk: Iowa Code §815.14 states the expense of the public defender will be calculated at the same hourly rate of compensation specified by §815.7, subject to fee limits in §13B.4. Current fee rates and trial-level adult criminal/juvenile fee limits are:

Hourly rates - A felony: \$70; B felony: \$65; other \$60

Fee limits - A felony \$18,000; B felony \$3,600; C felony \$1,800; D felony \$1,200; aggravated misdemeanor \$1,200; serious misdemeanor \$600; simple misdemeanor \$300; contempt \$300; probation violation \$300; extradition \$300; juvenile delinquency thru disposition \$1,200; CINA thru disposition \$1,200; TPR thru disposition \$1,800; juvenile review hrg \$300; judicial bypass \$180